

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EASTERN CONTRACTORS, INC.,

Plaintiff,

V.

CITY OF WORCESTER and THOMAS
R. HOOVER, City Manager, and HEERY
INTERNATIONAL, INC. and THOMAS A.
ELLIS,

Defendants.

2004 FEB -5 P 12:32

Civil Action No. 03-12216MLW
DISTRICT OF MASS.

**RULE 26 DISCLOSURE OF THE DEFENDANTS, HEERY INTERNATIONAL,
INC. AND THOMAS A. ELLIS**

The defendants, Heery International, Inc. (“Heery”) and Thomas A. Ellis (“Ellis”) (Heery and Ellis are referred to collectively herein as “Heery”), hereby make the following disclosure to all parties pursuant to Local Rule 26.2 and Federal Rule of Civil Procedure 26(a)(1).

A. Rule 26(a)(1)(A)

In accordance with Rule 26(a)(1)(A) requiring disclosure of individuals likely to have discoverable information that SRS may use to defend its claims, SRS identifies the following individuals:

1. Mr. Thomas Ellis
Heery International, Inc.
4 Militia Drive, Suite 300
Lexington, MA 02421

Information regarding bids submitted to the City of Worcester concerning the project and the award of the contract by the City of Worcester.

2. Thomas R. Hoover
City of Worcester

Information regarding bids submitted to the City of Worcester concerning the project and the award of the contract by the City of Worcester.

Heery states that its investigation is ongoing, that it is continuing its search for information relevant to this initial disclosure category and that it will supplement this disclosure if required by Rule 26(e).

B. Rule 26(a)(1)(B)

In accordance with Rule 26(a)(1)(B) requiring disclosure of documents that are in the possession, custody or control of Heery and that Heery may use to support its claims, Heery identifies its project file concerning the construction of the new vocational high school which is at issue in this matter, including, but not limited to: (1) documents produced by the plaintiff in connection with its bid; (2) documents concerning the investigation of whether the plaintiff was the lowest responsible bidder; and, (3) documents concerning the City of Worcester's decision to reject the plaintiff's bid and award the contract to the second lowest bidder. These documents will be made available to the other parties for inspection and/or copying upon request.

Heery states that its investigation is ongoing, that it is continuing its search for documents relevant to this initial disclosure category and that it will supplement this disclosure if required by Rule 26(e).

C. Rule 26(a)(1)(C)

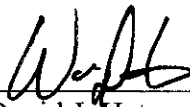
Heery is denying that the plaintiff has sustained any damage in this case. As a result, Heery has no documents responsive to this category.

D. Rule 26(a)(1)(D)

Heery agrees to produce copies of its insurance policy pursuant to Rule 26(a)(1)(D) and Rule 34.

Respectfully Submitted,
HEERY INTERNATIONAL, INC. and
THOMAS A. ELLIS,

By their attorneys,



David J. Hatem, PC BBO # 225700
Warren D. Hutchison BBO # 246150
Matthew M. O'Leary BBO # 652033
DONOVAN HATEM LLP
Two Seaport Lane
Boston, MA 02210
(617) 406-4500

Dated: February 5, 2004

CERTIFICATE OF SERVICE

I, Warren D. Hutchison hereby certify that on this 4th day of February, 2004, I served a copy of the foregoing on all counsel of record by first class mail, postage prepaid.



Warren D. Hutchison

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